

Application No. 09/914,544
Amendment Dated September 15, 2005
Reply to Office Action of June 15, 2005

REMARKS/ARGUMENTS

By this Response, no amendments to the claims or specification have been made. Claims 21-39 are pending.

Claims 21-39 are rejected under 35 USC §103(a) as being unpatentable over Hunter et al. (US 6,391,337) in view of Schmitz et al. (US 6,079,968) and Valentine et al. (US 4,684,534). The Examiner considers that *"it would have been obvious to one of ordinary skill in the art to combine the teachings of the Hunter et al. and Schmitz et al. into the instantly claimed invention. One of ordinary skill in the art would be motivated to combine the Hunter et al. and Schmitz et al. references..."*

Applicants respectfully traverse this rejection for the following reasons:

It is respectfully submitted that Hunter et al. teaches that it is possible to prepare tablets of high load of acetaminophen by direct compression if high shear mixing conditions are used.

It is further taught that the introduction of a lubricant under shear conditions presents no difficulties. According to Hunter et al., there is no problem to use a lubricant in tablets obtained by dry compression.

Consequently, there is no incentive to combine Hunter et al. with Schmitz et al.

The skilled artisan will thus not combine the teaching of Hunter et al. with the teaching of Schmitz et al.

Even if he combined those documents, he would never obtain the tablets according to the invention, since, structurally the tablets of the invention are different from those of Hunter et al.

In fact, in the tablets according to the invention, the active substance particles are granulated and in the tablets according to Hunter et al., the acetaminophen is not coated.

It results from the above that the present invention is non-obvious over the Hunter et al. in view of the Schmitz et al. and Valentine patents.

It is thus respectfully requested that the above cited rejection be withdrawn.

Applicants wish to make of record several references that have recently been uncovered in a related application. Applicants will therefore be filing a supplemental Information Disclosure Statement very shortly.

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For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

September 15, 2005

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

Respectfully submitted,

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